

10-21-04

PTO/SB/21 (08-00)

Approved for use through 10/31/2002

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JFW  
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| TRANSMITTAL FORM  |  | Application Number  |  | 10/646,318   |  |
|---|--|---|--|--|--|
| (to be used for all correspondence after initial filing)                              |  | Filing Date   |  | 08/22/2003   |  |
|   |  | First Named Inventor  |  | Koenck   |  |
|   |  | Group Art Unit  |  | 3713   |  |
|   |  | Examiner Name   |  | Not Assigned   |  |
| Total Number of Pages in This Submission  |  | Attorney Docket Number  |  | 14366US02  |  |
| ENCLOSURES (check all that apply)   |  |   |  |  |  |
| <input checked="" type="checkbox"/> Fee Transmittal Form                              |  | <input type="checkbox"/> Assignment Papers (for an Application)                         |  | <input type="checkbox"/> After Allowance Communication to Group                            |  |
| <input checked="" type="checkbox"/> Fee Attached                                      |  | <input type="checkbox"/> Drawing(s) ( sheets)   |  | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences        |  |
| <input type="checkbox"/> Amendment/Reply  |  | <input type="checkbox"/> Licensing-related Papers                                       |  | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |  |
| <input type="checkbox"/> After Final  |  | <input type="checkbox"/> Petition   |  | <input type="checkbox"/> Proprietary Information   |  |
| <input type="checkbox"/> Affidavits/declaration(s)                                    |  | <input type="checkbox"/> Petition to Convert to a Provisional Application               |  | <input type="checkbox"/> Status Letter   |  |
| <input checked="" type="checkbox"/> Extension of Time Request                         |  | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address |  | <input checked="" type="checkbox"/> Return-Receipt Postcard                                |  |
| <input type="checkbox"/> Express Abandonment Request                                  |  | <input type="checkbox"/> Terminal Disclaimer  |  | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):            |  |
| <input type="checkbox"/> Information Disclosure Statement                             |  | <input type="checkbox"/> Request for Refund   |  |  |  |
| <input type="checkbox"/> PTO 1449/08A with references                                 |  | <input type="checkbox"/> CD Number of CD(s) _____                                       |  |  |  |
| <input type="checkbox"/> Certified Copy of Priority Document(s)                       |  |   |  |  |  |
| <input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application |  | Remarks   |  | Supplemental Declaration   |  |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53          |  |   |  |  |  |
| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT  |  |   |  |  |  |
| Firm or Individual Name   |  | McAndrews Held & Malloy, Ltd.   |  |  |  |
| Name (Print/type)   |  | Ronald H. Spuhler   |  | Registration No. (Attorney/Agent) 52,245   |  |
| Signature   |  | Ronald Spuhler  |  | Date: October 20, 2004   |  |
| EXPRESS MAIL DEPOSIT  |  |   |  |  |  |
| "Express Mail" mailing label number : EV 435 244 675 US                               |  |   |  |  |  |
| Date of Deposit October 20, 2004.   |  |   |  |  |  |

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**FEE TRANSMITTAL  
for FY 2005**

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 1,530**Complete if Known**

Application Number 10/646,318

Filing Date 08/22/2003

First Named Inventor Koenck

Examiner Name Not Assigned

Art Unit 3713

Attorney Docket No. 14366US02

**METHOD OF PAYMENT (check all that apply)**☒ Check ☐ Credit card ☐ Money ☐ Other ☐ None  
Order☐ Deposit Account:Deposit  
Account  
Number

13-0017

Deposit  
Account  
Name

McAndrews Held &amp; Malloy

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments  
☐ Charge any additional fee(s) or any underpayment of fee(s)  
☐ Charge fee(s) indicated below, except for the filing fee  
to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity        |          | Small Entity |          | Fee Description        | Fee Paid |
|---------------------|----------|--------------|----------|------------------------|----------|
| Fee Code            | Fee (\$) | Fee Code     | Fee (\$) |                        |          |
| 1001                | 790      | 2001         | 395      | Utility filing fee     |          |
| 1002                | 350      | 2002         | 175      | Design filing fee      |          |
| 1003                | 550      | 2003         | 275      | Plant filing fee       |          |
| 1004                | 790      | 2004         | 395      | Reissue filing fee     |          |
| 1005                | 160      | 2005         | 80       | Provisional filing fee |          |
| <b>SUBTOTAL (1)</b> |          |              |          |                        | (\$ 0)   |

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims  20\*\* =  0 X  =  0

Independent Claims  3\*\* =  0 X  =  0

Multiple Dependent  X  =  0

| Large Entity        |          | Small Entity |          | Fee Description  | Fee Paid |
|---------------------|----------|--------------|----------|--|----------|
| Fee Code            | Fee (\$) | Fee Code     | Fee (\$) |  |          |
| 1202                | 18       | 2202         | 9        | Claims in excess of 20                                     |          |
| 1201                | 88       | 2201         | 44       | Independent claims in excess of 3                          |          |
| 1203                | 300      | 2203         | 150      | Multiple dependent claim, if not paid                      |          |
| 1204                | 88       | 2204         | 44       | ** Reissue independent claims over original patent         |          |
| 1205                | 18       | 2205         | 9        | ** Reissue claims in excess of 20 and over original patent |          |
| <b>SUBTOTAL (2)</b> |          |              |          |  | (\$ 0)   |

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

| Large Entity |          | Small Entity |          | Fee Description  | Fee Paid |
|--------------|----------|--------------|----------|--|----------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |  |          |
| 1051         | 130      | 2051         | 65       | Surcharge - late filing fee or oath  |          |
| 1052         | 50       | 2052         | 25       | Surcharge - late provisional filing fee or cover sheet.                    |          |
| 1053         | 130      | 1053         | 130      | Non-English specification  |          |
| 1812         | 2,520    | 1812         | 2,520    | For filing a request for <i>ex parte</i> reexamination                     |          |
| 1804         | 920*     | 1804         | 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 1805         | 1,840*   | 1805         | 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 1251         | 110      | 2251         | 55       | Extension for reply within first month                                     |          |
| 1252         | 430      | 2252         | 215      | Extension for reply within second month                                    |          |
| 1253         | 980      | 2253         | 490      | Extension for reply within third month                                     |          |
| 1254         | 1,530    | 2254         | 765      | Extension for reply within fourth month                                    | 1,530    |
| 1255         | 2,080    | 2255         | 1,040    | Extension for reply within fifth month                                     |          |
| 1401         | 340      | 2401         | 170      | Notice of Appeal   |          |
| 1402         | 340      | 2402         | 170      | Filing a brief in support of an appeal                                     |          |
| 1403         | 300      | 2403         | 150      | Request for oral hearing   |          |
| 1451         | 1,510    | 1451         | 1,510    | Petition to institute a public use proceeding                              |          |
| 1452         | 110      | 2452         | 55       | Petition to revive - unavoidable   |          |
| 1453         | 1,370    | 2453         | 685      | Petition to revive - unintentional   |          |
| 1501         | 1,370    | 2501         | 685      | Utility issue fee (or reissue)   |          |
| 1502         | 490      | 2502         | 245      | Design issue fee   |          |
| 1503         | 660      | 2503         | 330      | Plant issue fee  |          |
| 1460         | 130      | 1460         | 130      | Petitions to the Commissioner  |          |
| 1807         | 50       | 1807         | 50       | Processing fee under 37 CFR 1.17 (q)                                       |          |
| 1806         | 180      | 1806         | 180      | Submission of Information Disclosure Stmt                                  |          |
| 8021         | 40       | 8021         | 40       | Recording each patent assignment per property (times number of properties) |          |
| 1809         | 790      | 2809         | 395      | Filing a submission after final rejection (37 CFR § 1.129(a))              |          |
| 1810         | 790      | 2810         | 395      | For each additional invention to be examined (37 CFR § 1.129(b))           |          |
| 1801         | 790      | 2801         | 395      | Request for Continued Examination (RCE)                                    |          |
| 1802         | 900      | 1802         | 900      | Request for expedited examination of a design application                  |          |

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$ 1,530)**SUBMITTED BY**

Name (Print/Type)

Ronald H. Spuhler

Registration No. (Attorney/Agent)

52,245

Telephone

312-775-8000

Signature

Ronald Spuhler

Date

October 20, 2004

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**Attorney Docket Number 14366US02**



In re Application of:  
Steven E. Koenck, et al.

Serial No. 10/646,318

Filing Date: August 22, 2003

For: HAND-HELD DATA CAPTURE  
SYSTEM WITH INTERCHANGEABLE  
MODULES

Group Art: Not yet assigned

Confirmation No.: Not yet assigned

Examiner: Not yet assigned

Express Mail Label No.:  
EV 435 244 675 US

Date of Deposit: October 20, 2004

**RESPONSE TO NOTICE OF INFORMAL APPLICATION**

Attention: Mail Stop Missing Parts  
Assistant Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

In response to the April 20, 2004 Notice of Informal Application (attached as Exhibit A), Applicants submit a Supplemental Declaration (attached as Exhibit B), which has been duly executed by the inventors of the subject matter currently claimed in this application. It is Applicants' current belief that the other ten inventors whose names appear on the Declaration originally submitted in this case (Steven Koenck, Phillip Miller, Arvin Danielson, Dennis Durbin, Keith Cargin, George Hanson, Darald Schultz, Robert Geers, Darrell Boatwright and William Gibbs) did not contribute to the subject matter presently claimed in this particular application. Accordingly, these ten inventors should be deleted. The assignee of record is continuing to verify the proper inventive entity, and expressly reserves the right to amend the current inventive entity if necessary.

It should also be noted that Pamela Lucken (f/k/a Pamela Mahany) executed the Supplemental Declaration on behalf of her deceased husband, Ronald Mahany. Ronald Mahany passed away several years ago, and as such, his estate has been closed and the Administrator has been discharged of any duties. Mrs. Lucken has commenced proceedings with the Court in Cedar Rapids, Iowa to obtain new letters of administration, as required by MPEP Rule 409.01(c). Applicants and Mrs. Lucken believe that the Court will issue such letters in due course, thereby allowing her to currently sign on Ronald Mahany's behalf. See MPEP 409.01(a) ("One who has reason to believe that he or she will be appointed legal representative of a deceased inventor may apply for a patent as legal representative in accordance with 37 CFR 1.42.")

Applicants also submit herewith as Exhibit C a request for a four (4) month extension of time in which to respond to the Notice of Informal Application, along with the appropriate fee. The Commissioner is hereby authorized to charge any additional fees required by this submission to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Dated: October 20, 2004

Respectfully submitted,  
McAndrews, Held & Malloy, Ltd.

By: Ronald Spuhler  
Ronald H. Spuhler  
Reg. No. 52,245  
Attorney for Applicant

McAndrews, Held & Malloy, Ltd.  
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## UNITED STATES PATENT AND TRADEMARK OFFICE

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 United States Patent and Trademark Office  
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| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/646,318         | 08/22/2003             | Steven E. Koenck      | 14366US02              |

23446  
 MCANDREWS HELD & MALLOY, LTD  
 500 WEST MADISON STREET  
 SUITE 3400  
 CHICAGO, IL 60661



CONFIRMATION NO. 9697

## FORMALITIES LETTER



\*OC000000012396203\*

Date Mailed: 04/20/2004

## NOTICE OF INFORMAL APPLICATION

This application is considered to be informal since it does not comply with the regulations for the reason(s) indicated below. The period within to correct the informalities noted below and avoid abandonment is set in the accompanying Office action.

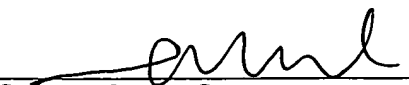
**Items Required To Avoid Processing Delays:**

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

- A new oath or declaration, identifying this application number is required. The oath or declaration does not comply with 37 CFR 1.63 in that it:
- does not identify the citizenship of each inventor.

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

  
 Customer Service Center  
 Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

RESPONSE DUE:  
 June 20, 2004